

REMARKS

The Specification is amended at paragraph 0022 merely to correct a typographical error to delete the erroneously repeated phrase “used for forming the treated water.” The error is an obvious one, and correction of it in this manner is considered to be otherwise proper.

Claims 1-17, 19-25, 29-31, 33-34, 38-40, 42-54 and 57-58 are in the case, and they stand rejected on the sole ground of alleged obviousness under 35 U.S.C. § 103(a) over either Howarth patent (U.S. 6,908,636 or U.S. 6,986,910) in light of Hilgren et al. (U.S. 6,514,556). This rejection is again respectfully traversed.

The Applicant’s prior arguments against the rejection of these claims under section 103(a) are reiterated here by reference. The Examiner’s continued reliance upon, and characterization of, the Hilgren et al. reference is erroneous. In the Office Action it is asserted that Hilgren et al. merely discourages the use of *excessive chlorination* without discouraging use of chlorination altogether. (Office Action, page 2, paragraph 4.) However, when read as a whole, it is clear that the Hilgren reference does not contemplate or suggest *any* use of chlorinated antimicrobials. Instead, it teaches a different composition or mixture of compositions as a *replacement* for chlorine-containing antimicrobials. In particular, in addition to the passage in Hilgren et al. at column 2, lines 20-30 (previously cited and discussed), another passage in Hilgren et al. that discusses chlorinated antimicrobial compositions appears at column 19, lines 42-46, which reads:

The advantageous stability of mixed peroxycarboxylic acid compositions in such methods, which include the presence of poultry debris or residue, makes these compositions *competitive with cheaper, less stable, and potentially toxic chlorinated compounds.*

(Emphasis added.)

Read as a whole, it is clear that Hilgren et al. is not simply discouraging the use of “excess” chlorine-based compositions. Rather, Hilgren et al. is discouraging the use of chlorine-based compositions altogether, in favor of the compositions taught in Hilgren et al. Accordingly, the combination of the Howarth references with Hilgren et al. cannot be supported by a fair reading

of the references read in their entirety. Hilgren et al. actually teaches away from the Howarth references (which teach the use of chlorine-containing biocides), and the attempt to combine their teachings to cobble together the present rejection is simply an improper use of hindsight reasoning, using the benefit of Applicant's own disclosure to piece together a reject of the Applicant's claims. Accordingly, the rejection should be reconsidered and withdrawn.

In light of the foregoing, the case is believed to be in condition for allowance. If, however, any matters remain requiring further consideration, the Examiner is respectfully requested to telephone the undersigned so that such matters can be discussed, and if possible, promptly resolved.

Respectfully submitted,

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